

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HEATHER SMITH, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

WHALECO INC. DBA TEMU,

Defendant.

Case No. 5:23-CV-00559-D

CLASS ACTION

**SUPPLEMENT TO MOTION TO EXTEND DEADLINES RELATED TO  
DEFENDANT’S MOTION TO COMPEL ARBITRATION (DKT. 34)**

On December 8, 2023, Plaintiff Heather Smith filed her Motion to Extend Deadlines Related to Defendant’s Motion to Compel Arbitration (Dkt. 34)(the “Motion”).

At that time, counsel for Plaintiff was unable to reach counsel for Defendant to ascertain Defendant’s position on the Motion. Counsel for Plaintiff is now authorized to inform the Court that Defendant consents to the Motion, and agrees to the proposed revised dates for Plaintiff’s response and Defendant’s reply set forth therein (Plaintiff’s Opposition due January 5, 2024; and Defendant’s reply due January 26, 2024).

WEREFOR, Plaintiff requests the Court grant its Motion to Extend Deadlines Related to Defendant’s Motion to Compel.

Respectfully submitted,

/s/ Kathy R. Neal

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*Counsel for Plaintiff and the Putative Class*

**CERTIFICATE OF ELECTRONIC SERVICE AND FILING**

I hereby certify that on this 11<sup>th</sup> day of December, 2023, I caused the foregoing instrument to be filed with the Clerk of the Court using the ECF System for filing, with electronic service to be made via CM/ECF to those registered participants of the ECF System.

/s/ Kathy R. Neal